

Filed by: Merits Panel  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Filed  
14 April 2006

Paper 49

UNITED STATES PATENT AND TRADEMARK OFFICE

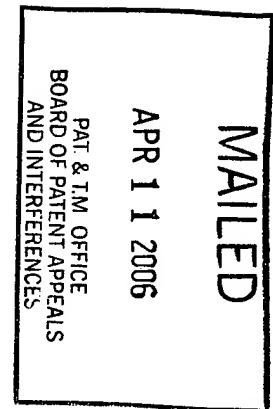
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MEIR EDELMAN,  
AVIHAI PERL, MOSHE FLAISHMAN, and  
AMNON BLUMENTHAL,  
Junior Party

(Application 09/529,172),

v.

ANNE-MARIE STOMP, and  
NIRMALA RAJBHANDARI,  
Senior Party  
(Patent 6,040,498).



Patent Interference No. 105,261

Before Delmendo, Lane, and Moore, Administrative Patent Judges.

Lane, Administrative Patent Judge.

**Judgment - Request for Adverse - Bd.R. 127(b)**

Edelman has filed a request for adverse judgment as to the contested subject matter. (Paper 43, Request).<sup>1</sup>

<sup>1</sup> Edelman filed the request with its motion to redefine the interfering subject matter by substituting Count 2 for Count 1 and having its claims 31 and 33-35 designated as not corresponding to Count 2. (Paper 44). Since that motion was granted, Edelman's request is directed toward the subject matter of Count 2 and the claims that correspond to Count 2.

1           Upon consideration of the record and for reasons given, it is

2           ORDERED that judgment on priority as to Count 2, the sole count of the  
3           interference, is entered against junior party MEIR EDELMAN, AVIHAI PERL, MOSHE  
4           FLAISHMAN, and AMNON BLUMENTHAL;

5           FURTHER ORDERED that junior party MEIR EDELMAN, AVIHAI PERL,  
6           MOSHE FLAISHMAN, and AMNON BLUMENTHAL is not entitled to a patent  
7           containing claims 1-8,<sup>2</sup> 12-18, 21-30, 32, 36, 54-58, and 65-71, which claims  
8           correspond to Count 2;

9           FURTHER ORDERED that, if there is a settlement agreement, the parties  
10          are directed to 35 USC 135(b) and Bd.R. 205;

11          FURTHER ORDERED that a copy of this judgment shall be entered into  
12          the administrative records of Edelman's 09/529,172 application and Stomp's 6,040,498  
13          patent.

16	<u>/Romulo H. Delmendo/</u>	)	
17	Administrative Patent Judge	)	
18		)	BOARD OF PATENT
19	<u>/Sally Gardner Lane/</u>	)	APPEALS AND
20	Administrative Patent Judge	)	INTERFERENCES
21		)	
22	<u>/James T. Moore/</u>	)	
23	Administrative Patent Judge	)	
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<sup>2</sup>           The examiner has indicated that claim 3 is not patentable to Edelman on another basis as well (See Form 850, attached to Paper 1).

1 cc (via federal express):  
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3 Counsel for EDELMAN:  
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5 Roger L. Browdy, Esq.  
6 BROWDY & NEIMARK PLLC  
7 624 Ninth Street, N.W., Suite 300  
8 Washington, D.C. 20001  
9 Tel: 202-628-5197  
10

11 Counsel for STOMP:  
12

13 Richard P. Vitek, Esq.  
14 4140 Parklake Avenue, Suite 600  
15 Raleigh, N.C. 27612  
16 Tel: 919-854-1400  
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